

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

<b>IN RE:</b> <b>WILLIAM N. ADKINS</b>  <div style="text-align: right;"><b>Debtor.</b></div> <hr style="width: 100%;"/>	) ) ) ) ) ) )	<b>Case No. 12-31050</b> <b>Chapter 7</b>
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**ALPHABETICAL LIST OF CREDITORS WITH CLAIM NUMBERS**

1.	Branch Banking & Trust Company	Claim No. 12
2.	Carolina Trust Bank	Claim No. 3
3.	Cessna Finance Corp.	Claim No. 8
4.	Chicago Title Insurance Company	Claim No. 6
5.	CommunityOne Bank, N. A.	Claim No. 16
6.	Farm Credit of Northwest Florida, ACA	Claim No. 4

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IN RE:

WILLIAM N. ADKINS

Debtor.

Case No. 12-31050

Chapter 7

**TRUSTEE'S FIRST OMNIBUS OBJECTIONS TO CLAIMS PURSUANT TO RULE 3007**

**COMES NOW** the Trustee, by and through counsel, and objects to certain claims as outlined below. The claim number, the claimant, the amount of each claim, and the reason for the objection is indicated. Also, a recommendation of the Trustee is included. ANY CLAIMANT RECEIVING THIS OBJECTION SHOULD LOCATE ITS NAME AND THE REASON FOR THE OBJECTION TO ITS CLAIM IN THIS DOCUMENT. The Trustee has examined all claims as filed and objects to claims as follows:

<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT OF CLAIM</u>	<u>CATEGORY</u>
12	Branch Banking & Trust Company	\$11,732,486.06	Secured

**Reason for Objection:** In addition to principal and interest, this claim asserts liability for attorney's fees of \$1,524,595.33, which have not been approved by this Court. Additionally, this claim asserts liability for unidentified "fees" of \$44,075.00, which have not been approved by this Court. Further, this claim is secured by real property which was not sold by the trustee or otherwise administered in this bankruptcy case, and the claim is based on guaranties by the Debtor of obligations of Waterfront Group NC, LLC, Landstar Development, LLC, and Adkins Land Group, Inc. This creditor has not accounted for its collateral, as to whether or not same has been foreclosed, and as a result this claim is impossible of determination.

**Recommendation:** Disallow this claim.

<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT OF CLAIM</u>	<u>CATEGORY</u>
3	Carolina Trust Bank	\$99,161.67	Unsecured

**Reason for Objection:** This claim filed as unsecured, is based on a guaranty of the Debtor of an obligation of Adkins Aviation, LLC owed to Carolina Trust Bank. The note from Adkins Aviation, LLC is secured by an Assignment of Rents and a Leasehold Deed of Trust. The collateral of Carolina Trust Bank as to this Claim No. 3 has been, or will soon be, sold by the Trustee pursuant to order of this Court, with the claim to be paid in full at closing.

**Recommendation:** Disallow this claim.

<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT OF CLAIM</u>	<u>CATEGORY</u>
8	Cessna Finance Corp.	\$359,697.43	Unsecured

**Reason for Objection:** This claim against the Debtor is based on a guaranty of a debt of Adkins Aviation, LLC to Cessna Finance Corp., which said debt is secured by one certain Cirrus Design Corporation SR22 aircraft, which said aircraft has not been sold or administered by the Trustee in this case, which said aircraft is currently in the possession of Adkins Aviation, LLC, and which said aircraft is the subject of a Refinance Agreement between Adkins Aviation, LLC and Cessna Finance Corp.

**Recommendation:** Disallow this claim.

<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT OF CLAIM</u>	<u>CATEGORY</u>
6	Chicago Title Insurance Company	\$9,926.87	Unsecured

**Reason for Objection:** This claim does not establish personal liability of the Debtor and, on its face, is a false claim. This claim states that its basis is "Affidavit and Indemnity Agreement by Debtor." The only signature of the Debtor which appears on any of the documents attached to the claim is that of the Debtor as president of a corporation.

**Recommendation:** Disallow this claim, and impose appropriate sanctions for the filing of a false claim in this case.

<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT OF CLAIM</u>	<u>CATEGORY</u>
16	CommunityOne Bank, N. A.	\$341,116.02	Secured

**Reason for Objection:** This claim is secured by real property located in Ashe County, that was not administered or sold by the Trustee in this case. The property is still collateral of this creditor, and upon information and belief has a value approximately equal to the indebtedness.

**Recommendation:** Disallow this claim for purposes of distribution in this case.

<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT OF CLAIM</u>	<u>CATEGORY</u>
4	Farm Credit of Northwest Florida, ACA	\$1,156,526.59	

**Reason for Objection:** This claim, based on a Guaranty signed by the Debtor as to obligations of Waterfront Group Florida, LLC to this creditor, is secured by certain real property (numerous tracts) located in the State of Florida. This creditor has not made an accounting as to the collateral or disposition of same, and thus the true amount of the debt cannot be determined. The collateral of this creditor was not sold by the Trustee or otherwise administered in this case.

**Recommendation:** Disallow this claim.

**WHEREFORE**, the Trustee prays that the Court consider his objections to claims as outlined above, and enter Orders pursuant to the recommendation of the Trustee in each instance.

This 6<sup>th</sup> day of January, 2016.

/s/ R. Keith Johnson  
R. KEITH JOHNSON  
Trustee and Attorney for Trustee  
NC State Bar No. 8840  
1275 Hwy. 16 South  
Stanley, NC 28164  
(704)-827-4200

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IN RE:

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Chapter 7

**NOTICE OF TRUSTEE'S OBJECTIONS TO CLAIMS  
AND OPPORTUNITY FOR HEARING**

**TO ALL PARTIES TO WHOSE CLAIMS ARE OBJECTED:**

**NOTICE IS HEREBY GIVEN** that the trustee, by and through counsel, has filed a Trustee's First Omnibus Objections to Claims Pursuant to Rule 3007, a copy of which is enclosed herewith and incorporated by reference. Any response shall clearly identify the specific objection to which the response is directed, and it shall comply fully with Local Bankruptcy Rule 9013-1. Any response must be in writing and must be filed with the United States Bankruptcy Court, 401 West Trade Street, Charlotte, North Carolina, 28202, on or before thirty (30) days from the date of this notice, with a copy served on R. KEITH JOHNSON, Trustee and attorney for Trustee. In the event that a response or request for hearing is filed, the court will conduct a hearing of this matter on Thursday, February 11, 2016, at 9:30 a.m. at the Charles R. Jonas Federal Building, Room 1-4, 401 W. Trade St., Charlotte, North Carolina, to consider the objections of the trustee, and any responses.

This 6<sup>th</sup> day of January, 2016.

/s/ R. Keith Johnson

R. KEITH JOHNSON

Trustee and Attorney for Trustee

NC State Bar No. 8840

1275 Hwy. 16 South

Stanley, NC 28164

(704)-827-4200

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**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served the Trustee's First Omnibus Objections to Claims Pursuant to Rule 3007 and Notice of Opportunity for Hearing regarding same in the above entitled action upon the parties below or the attorneys for said parties either electronically or by depositing a copy hereof, postage paid, in the United States Mail:

William N. Adkins  
16315 Belle Isle Dr.  
Cornelius, NC 28031

Joseph W. Grier, III (ECF)  
Attorney for Debtor

Branch Banking & Trust Company  
Howard, Stallings, From & Hutson, P. A.  
Attn: Nicholas C. Brown  
P. O. Box 12347  
Raleigh, NC 27605

Carolina Trust Bank  
P. O. Box 308  
Lincolnton, NC 28093

Cessna Finance Corp.  
100 N. Broadway, Ste. 600  
Wichita, KS 67202-2902

Chicago Title Insurance Company  
2111 S. 67<sup>th</sup> St., Ste. 210  
Omaha, NE 68106

CommunityOne Bank, N. A.  
P. O. Box 1328  
Asheboro, NC 27203

Farm Credit of Northwest Florida, ACA  
c/o Norman J. Leonard, Esq.  
Ward and Smith, P. A.  
P. O. Box 2020  
Asheville, NC 28802-2020

Linda Simpson (ECF)  
Bankruptcy Administrator

This 6<sup>th</sup> day of January, 2016.

/s/ R. Keith Johnson  
R. KEITH JOHNSON  
Trustee and Attorney for Trustee  
NC State Bar No. 8840  
1275 Hwy. 16 South  
Stanley, NC 28164  
(704)-827-4200